

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3, 4, 6, 7, 9, 10, and 12-69 are pending in this application.

In the outstanding Office Action, Claims 1, 3, 4, 6, 7, 9, 10, and 12-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Isshiki (U.S. Patent Publication No. 2002/0118384) in view of Kaneko et al. (U.S. Patent No. 5,752,040; hereinafter "Kaneko").

In response to the rejection of Claims 1, 3, 4, 6, 7, 9, 10, and 12-24 under 35 U.S.C. § 103(a) as unpatentable over Isshiki in view of Kaneko, Applicant respectfully requests reconsideration of the rejection, and traverses the rejection as discussed next.

Independent Claim 1 is directed to an image forming apparatus including, *inter alia*:

a hardware resource;

a program;

an examining unit configured to examine said hardware resource and determine whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination;

a configuration unit configured to store identification information of the program and identification information of the examining unit;

an activating unit configured to activate the examining unit prior to the execution of the program, and in response to the positive determination activate said program; and

a storage unit configured to store the result of the examination of said examining unit,

wherein said examining unit determines whether the result of the examination that said examining unit is to perform is stored in said storage unit, and uses, if the result of the examination that said examining unit is to perform is stored in said storage unit, the stored result of the examination.

Independent Claims 23 and 24 recite substantially similar features as Claim 1. Thus, the arguments presented below with respect to Claim 1 are also applicable to independent Claims 23 and 24.

Applicant respectfully submits that Isshiki fails to teach or suggest that “an examining unit configured to examine said hardware resource and determine whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination,” as in Applicant’s independent Claim 1.

Page 5 of the outstanding Office Action asserts that the CPU 1/controller 10 corresponds to Applicant’s claimed “examining unit.” Specifically, page 5 of the outstanding Office Action asserts that Isshiki describes:

an examining unit (CPU 1/Controller 10, fig. 2) configured to examine said hardware resource (i.e., the CPU 1 controls access to various devices/hardware connected to a system bus 5 on the basis of a control program stored in the program ROM 2A or a control program which is stored in a hard disk (HD) 3 and loaded onto a Ram 4 in activation; Page 3, paragraph [0045], fig. 2) and determine whether said hardware resource exists (i.e., the task activates a hardware check program to check whether hardware is abnormal; Page 3, paragraph [0068], and output, in response to a positive determination, a normal value and output (i.e., hardware exists, the task initialize various devices; Page 4, paragraph [0070], in response to a negative determination, an abnormal value a the result of the examination (i.e., the task shifts to step S504 to display abnormal hardware, and ends a series of processes; Page 3, paragraph [0069]);

Paragraph [0045] of Isshiki states:

The CPU 1 systematically controls access to various devices connected to a system bus 5 on the basis of a control program stored in the program ROM 2A or a control program which is stored in a hard disk (HD) 3 and loaded onto a RAM 4 in activation. The CPU 1 outputs an image signal as output information to a printing unit (printer engine) 7 connected via a printing unit interface 6.

Thus, paragraph [0045] of Isshiki merely describes that the CPU 1 controls access to various devices on a system bus 5. However, nothing in the above cited portion of Isshiki describes that the CPU 1 examines whether particular hardware resources exist. Because the CPU 1 in Isshiki does not determine whether hardware resources exist, Isshiki also does not describe outputting values based upon this determination. In other words, Isshiki does not describe that the CPU 1 determines if the various devices exist, and thus it does not describe that the CPU outputs, in response to a positive determination, a normal value and outputs, in response to a negative determination, an abnormal value as a result of the examination.

Thus, Applicant respectfully submits that independent Claims 1, 23, 24 (and all claims depending thereon) patentably distinguish over Isshiki. Further, Applicant respectfully submits that Kaneko fails to cure any of the above-noted deficiencies of Isshiki.

In regard to dependent Claim 9, Applicant notes that Claim 9 is dependent on Claim 1 and is thus believed to be patentable for at least the reasons discussed above. Further, Applicant respectfully submits that Claim 9 is patentable for the reasons discussed below.

Claim 9 recites that “said examining unit determines, if a device driver corresponding to said hardware resource can be successfully opened or is already opened, that said hardware resource exists, and determines that said hardware resource does not exist otherwise.” Pages 8-9 of the outstanding Office Action, assert that paragraphs [0074]-[0077] of Isshiki describe the above features. Applicant respectfully disagrees.

Paragraphs [0075]-[0077] state:

In step S601, the HD spool initialization task is activated. Then, the task shifts to step S602 to check whether a print job file exists on the /SPOOL directory 302 of the HD 3.

If NO in step S602, the task advances to step S604 without any processing, and ends a series of processes.

If YES in step S602, the task advances to step S603 to delete all the print job files on the /SPOOL directory 302. Then, the

/SPOOL directory 302 shifts to step S604 to end a series of processes.

Thus, the above portions of Isshiki do not describe a device driver, let alone describe determining whether a hardware resource exists if a device driver corresponding to the hardware resource can be successfully opened or is already opened. Isshiki describes that the SPOOL directory 302 stores a print job spooled in a hard disk 3 as a file. Thus, the SPOOL directory 302 is merely a storage location. Further, assuming *arguendo*, that the SPOOL directory 302 is a driver, Isshiki does not describe that it is determined whether or not the hard disk 3 exists, based on a determination of whether the SPOOL directory 302 can be successfully opened or is already opened. Isshiki also does not describe that it is determined that the hard disk 3 does not exist, if it is determined that the SPOOL directory 302 can not be successfully opened or is not already opened. Paragraphs [0075]-[0077] of Isshiki only describe that a determination is made as to whether a *print job file* exists on the hard disk 3.

Hence, Applicant respectfully submits that Claim 9 is patentable.

Accordingly, Applicant respectfully requests that the rejection of Claims 1, 3, 4, 6, 7, 9, 10, and 12-24 under 35 U.S.C. § 103(a) as unpatentable over Isshiki in view of Kaneko be withdrawn.

Consequently, in view of the above comments, it is respectfully submitted that the outstanding ground for rejection has been overcome and that Claims 1, 3, 4, 6, 7, 9, 10, and 12-69 patentably define over the prior art. Claims 1, 3, 4, 6, 7, 9, 10, and 12-69 are therefore believed to be in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Derek P. Benke
Registration No. 56,944